

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC#: _____
DATE FILED: 10/4/22

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

----- X
**JOSE ALBERTO MARTINEZ
HERNANDEZ ET AL.,**

Plaintiff,

-against-

EAST WINGERS INC. ET AL.,

Defendants.

17-cv-2176 (ALC) (BMC)

ORDER

----- X
ANDREW L. CARTER, JR., United States District Judge:

Plaintiffs bring this action against Defendants EAST WINGERS INC. (d/b/a BEST WINGERS) and KUNJ PATEL alleging violations of the Fair Labor Standards Act and New York Labor Law. Defendants' counsel withdrew from this case on May 31, 2022. The Court ordered the Defendants to either retain new counsel, or, in the case of Defendant Patel, inform the Court whether he intends to represent himself. The Court noted that failure to do so within thirty days may result in an entry of default. *See* ECF No. 125. Defendants failed to appear following counsel's withdrawal. The Clerk of Court entered Clerk's Certificates of Default as to both Defendants on August 23, 2022. *See* ECF Nos. 132–33. Plaintiffs moved for default judgment on September 16, 2022.

It is hereby **ORDERED** that Defendants **SHOW CAUSE** as to why an Order should not be issued pursuant to Fed. R. Civ. P. 55 entering default judgment against Defendants. Defendants shall **SHOW CAUSE** in writing by Affidavit and Memorandum of Law, filed with the Court and served upon Plaintiffs' counsel on or before **October 25, 2022**. Plaintiff shall have until **November 8, 2022** to file a reply, if any, to the submissions of Defendants.

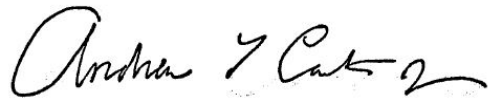
Plaintiffs are directed to serve a copy of this Order to Show Cause and the papers upon which it is based on Defendants no later than **October 7, 2022**. Plaintiffs shall file proof of service with the Court within fourteen (14) days of entry of this Order.

Defendant is advised that failure to respond to the Order to Show Cause may be grounds for the granting of a Default Judgment in Plaintiffs' favor.

The Clerk of Court is respectfully directed to lift the stay in this case.

SO ORDERED.

Dated: October 4, 2022
New York, New York

A handwritten signature in black ink, appearing to read "Andrew L. Carter, Jr.", written in a cursive style.

ANDREW L. CARTER, JR.
United States District Judge